In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 17429 of 2006

Date of Decision: 6.11.2006

Hony. Capt. Ranjit Singh Kondle …Petitioner

Versus

Union of India & others …Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. G.S. Ghuman, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made in the instant petition is for quashing order dated 19.8.2005 (P-1) and order dated 3.3.2006 (P-3) declining the claim of the petitioner for grant of disability pension. During the course of arguments, we had asked the learned counsel to point out the disability that might have been assessed by the Medical Board, which may bring his case within the provisions of Regulation 173 of the Pension Regulations for Army, 1961, which provide that if the disability is 20% or more than 20% then a person discharged from the army may be entitled to disability pension subject to fulfillment of other conditions. Mr. G.S. Ghuman, learned counsel has referred to the Hospital Discharge Slip (P-2) which does not specify the percentage of disability. He has further pointed out that against the order of rejection, the petitioner has filed an appeal dated 11.4.2006 (P-4), which has been forwarded by the Office Chief Record Officer

to the Additional Director General Personnel Service, Adjutant General's Branch, Army Headquarters, New Delhi, vide letter dated 27.4.2006 (P-5). Eventually, the petitioner has issued a legal notice through his counsel on 17.7.206 (P-6). The aforementioned appeal and legal notice are under consideration as is evident from perusal of communication dated 8.8.2006 (P-7) sent to the petitioner through his counsel.

In view of above and without going into the merits of the controversy raised, we deem it just and appropriate to direct the respondents to take cognisance of the appeal and legal notice sent by the petitioner (P-4, P-5 and P-6) and also get the disability of the petitioner assessed so as to determine whether he would be entitled to disability pension in accordance with Regulation 173 of the Regulations. The needful shall be done within a period of two months from the date of receipt of certified copy of this order. It shall be appreciated if a detailed and speaking order keeping in view the rules and regulations is passed.

The petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

November 6, 2006
JUDGE

Pkapoor